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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,776	07/09/2001	Heinrich Hummel	449122002600	5950
25227	7590	01/10/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			HOANG, THAI D	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/806,776

Applicant(s)

HUMMEL, HEINRICH

Examiner

Thai D. Hoang

Art Unit

2668

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

HN Nguyen

HANH NGUYEN
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Page 6, Applicant argues the the reference "does not disclose that the allocation rule is used to forward the setup message." Examiner respectfully disagrees. Applicant is directed to figure 3 and col. 5, line 52-col. 6, line 29, wherein the reference discloses:

"A routing table 13 is provided which consists of entries each listing a destination address, a source route containing nodes along a source-to-destination route and a total cumulative cost of the source route. During connection establishment phase switch controller 12 looks up routing table 12 to search for a candidate route and node memory 17 for link cost calculations to adjacent nodes and for saving input and output port identifiers as required.

Each node prepares a connection setup packet in response to receipt of a request from a host terminal or an adjacent node. As illustrated in FIG. 3, the connection setup packet contains a plurality of fields 30 through 38 for respectively setting a source address, a destination address, a VCI, a source route (which is a list of those nodes that the connection setup packet should pass through to establish a connection) and a record route (which is a list of those nodes through which the connection has already been established). According to this invention, the connection setup packet includes additional fields 35 through 38 for respectively setting a cumulative cost, a cost threshold, a crankback limit and a combined/originating control flag." Thus, the reference clearly teaches "the allocation rule is used to forward the setup message."

Also, page 6, Applicant argues that the reference does not disclose that a forwarding information item included in the setup message is replaced by a new forwarding information allocated to the former forwarding information item. Examiner respectfully disagrees. Applicant is directed to figure 3 and col. 1, lines 44-54, wherein the reference discloses:

"The link costs are updated dynamically with new link costs being broadcasted to all source nodes and all intermediate nodes capable of rerouting from time to time. All source nodes and all intermediate nodes capable of rerouting use their maps of the network topology to compute routing tables, which list one or more source routes for every possible destination address. The routing tables are used to choose source routes for connection setup packets, based on the destination address and QOS (quality of service) classes. The routing tables are updated when necessary after receiving new link cost updates." Thus, the reference clearly teaches this argument.